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FORM**

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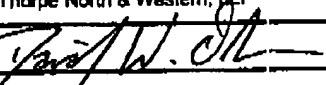
Total Number of Pages in This Submission 5

Application Number	10/765,463
Filing Date	January 26, 2004
First Named Inventor	Kryger, A.
Art Unit	1616
Examiner Name	Golamudi, S.
Attorney Docket Number	20308.CON4

ENCLOSURES (Check all that apply)

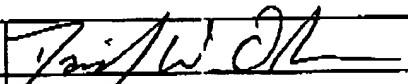
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Please enter this response to the Species Election Requirement mailed on September 21, 2005.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thorpe North & Western, LLP		
Signature			
Printed name	David W. Osborne		
Date	October 21, 2005	Reg. No.	44,989

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	David W. Osborne
Date	October 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Thorpe North & Western, LLP
Attorney Docket No. 20308.CON4
Pat. App. SN: 10/765,463

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Kryger	CERTIFICATE OF TRANSMISSION
SERIAL NO.:	10/765,463	I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.
FILED:	January 26, 2004	 _____ Name
FOR:	TOPICAL TESTOSTERONE FORMULATIONS AND ASSOCIATED METHODS	<u>10/21/05</u> _____ Date of Deposit
ART UNIT:	1616	
EXAMINER:	Gollamudi, S.	
DOCKET NO.:	20308.CON4	

ELECTION AND RESPONSE UNDER 37 C.F.R. § 1.143

Mail Stop Response
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

In response to the communication mailed September 21, 2005, please reconsider this application in view of the election and remarks provided below.

Thorpe North & Western, LLP
Attorney Docket No. 20308.CON4
Pat. App. SN: 10/765,463

ELECTION

Applicants provisionally elect without traverse, Species 3 to progesterone for further examination in the present application. As such, Claims readable upon said species include Claims 1-10, 16-17, and 20.